

**AGENDA**



**Thursday, May 15, 2008**

The Austin City Council will convene at 10:00 AM on  
Thursday, May 15, 2008 at Austin City Hall  
301 W Second Street, Austin, TX

AUSTIN CITY CLERK  
POSTING: DATE/TIME  
2008 MAY 9 PM 1 03



- Mayor Will Wynn
- Mayor Pro Tem Betty Dunkerley
- Council Member Lee Leffingwell, Place 1
- Council Member Mike Martinez, Place 2
- Council Member Jennifer Kim, Place 3
- Council Member Brewster McCracken, Place 5
- Council Member Sheryl Cole, Place 6

For meeting information, contact City Clerk, 974-2210

*The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551 086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda*

## **Reading and Action on Consent Agenda**

### ***Action on the Following:***

#### **Ordinances / Resolutions / Motions -**

**All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

### **9: 55 AM -- Invocation**

Major Stephen Ellis, Austin Area Commander, Salvation Army

### **10: 00 AM -- City Council Convenes**

**Announcements of proposed items for upcoming council meeting. (No discussion on these items.)**

### **Approval of Minutes**

- 1 Approve the minutes of the Austin City Council Worksession from May 7, 2008 and the May 8, 2008 Regular meeting

### **Austin Water Utility**

- 2 Approve Service Extension Request No 2716 for water service not to exceed a peak hour flow of 14 gallons per minute (gpm) for MITCHEL AND ROSE WONG, owners of a proposed 6 single-family home development located within the Drinking Water Protection Zone in the City's extraterritorial jurisdiction at 1700 Stoneridge Terrace. There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission

### **Contract and Land Management**

- 3 Approve a resolution authorizing the fee simple acquisition of Lot 28, Richland Estates Section one, a subdivision in Travis County, Texas, located at 1211 Harrison Lane, from Eva C. Apel for the Carson Creek Floodplain Buyout in Richland Estates, in the amount of \$108,000 for the land and improvements and \$21,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, and handicap modifications not to exceed \$50,000 for a total amount not to exceed \$189,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and

## Development Review Department

- 4 Approve a resolution authorizing the fee simple acquisition of Lot 29, Richland Estates Section One, a subdivision in Travis County, Texas, located at 1300 Hyman Lane, from David Cook and Jeanese A Clark now known as Jeanese A Cook for the Carson Creek Floodplain Buyout in Richland Estates, in the amount of \$125,000 for the land and improvements, \$24,900 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$159,900 Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department
- 5 Approve a resolution authorizing the fee simple acquisition of Lot 9-A, Resubdivision of Lots 9 thru 11 and Lots 33 thru 35, Richland Estates Section One, a subdivision in Travis County, Texas, located at 1210 Harrison Lane, from Oscar and Ramona Ledesma for the Carson Creek Floodplain Buyout in Richland Estates, in the amount of \$123,000 for the land and improvements, \$36,800 in owner-assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$169,800. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department
- 6 Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC (MBE/MH 85 25%), Austin, TX for ADA Sidewalk & Ramp Improvements 2007 Group 6 in the amount of \$904,913 plus a \$90,491 contingency, for a total contract amount not to exceed \$995,404. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 3 34% MBE and 2 57% WBE subcontractor participation

## Management Services

- 7 Approve a resolution confirming the designation of Assistant Fire Chief Jim Evans as Acting Fire Chief effective May 7, 2008

## Police

- 8 Approve an ordinance authorizing the application for and acceptance of grant funding from the U.S. Department of Justice, Project Safe Neighborhoods in the amount of \$9,500, and amending the Fiscal Year 2007-2008 Police Department Operating Special Revenue Fund of Ordinance No 20070910-003 to appropriate \$9,500 to purchase equipment including a trailer to transport a sign to identify a Project Safe Neighborhood site. Funding is available for the grant period April 1, 2008 to August 31, 2008 A cash match is not required for this one time equipment purchase.
- 9 Approve an ordinance authorizing the acceptance of \$45,460 in grant funds from the U S. Department of Justice, Office of Justice Programs, National Institute of Justice, Bulletproof Vest Partnership, and amending the Fiscal Year 2007-2008 Police Department Operating Special Revenue Fund of Ordinance No 20070910-003 to appropriate \$45,460 to fund the Austin Police Department Bulletproof Vest Program Funding is available from the U S Department of Justice, Office of Justice Programs, National Institute of Justice for the Austin Police Department Bulletproof Vest Program for the grant period

September 13, 2007 - September 30, 2011

## Purchasing Office

- 10 Approve ratification of two contracts for the purchase of automated meters with TEXAS METER & DEVICE COMPANY, Waco, TX, in an amount not to exceed \$2,211,840, and TEXAS ELECTRIC COOPERATIVES, Georgetown, TX, in an amount not to exceed \$1,719,568. Funding is available in the Fiscal Year 2007-2008 Approved Capital Budget of Austin Energy. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were identified, therefore, no goals were established for this solicitation.
- 11 Authorize award and execution of a 36-month requirements supply contract with COVERT FORD INC., Austin, TX, for captive repair parts for Ford light duty vehicles in an estimated amount not to exceed \$1,260,000, with three 12-month extension options in estimated amounts not to exceed \$463,050 for the first extension option, \$486,203 for the second extension option, and \$510,513 for the third extension option, for a total estimated contract amount not to exceed \$2,719,766. Funding in the amount of \$175,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
- 12 Authorize award and execution of a contract through the U.S. Communities Government Purchasing Alliance with HAGEMeyer NORTH AMERICA, INC., Coppell, TX for the purchase of mass casualty shelters and personal protective equipment for the Emergency Medical Services Department in an amount not to exceed \$124,778.77. Funding is available in the Fiscal Year 2007-2008 Public Safety and Emergency Management Department Operating Budget Special Revenue Fund through the Fiscal Year 2006 Metropolitan Medical Response System grant from the U.S. Department of Health and Human Services. No local match required. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase, therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.
- 13 Authorize award and execution of a contract through the State of Texas Multiple Awards Schedule (TXMAS) with W.W. GRAINGER INC., Austin, TX, for the purchase of personnel protective equipment for City of Austin emergency first responders in an amount not to exceed \$394,000. Funding is available in the 2007-2008 special revenue fund from the Public Health Preparedness and Response for Bioterrorism (PAN FLU) grant, awarded to the Health and Human Services Department by the Texas Department of State Health Services (DSHS), Public Health Preparedness Section. No local match required. Cooperative Purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a cooperative purchase,

therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation

### **Telecommunications & Regulatory Affairs**

- 14 Approve an ordinance on third reading granting a franchise agreement to ATMOS Energy Corporation to provide natural gas distribution services. Estimated annual franchise fee revenue in the amount of \$500,000 is anticipated under new franchise agreement. Second reading was recommended by the Council Committee for Emerging Technology and Telecommunications.

### **Item(s) from Council**

- 15 Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
16. Approve a resolution directing the City Manager to negotiate a planned unit development agreement (PUD) in the extraterritorial jurisdiction (ETJ) for approximately 2100 acres known as Whisper Valley at the intersection of State Highway 130 and the future extension of Braker Lane and approximately 240 acres known as Indian Hills at the intersection of State Highway 130 and the future extension of Decker Lake Road, including but not limited to appropriate land use regulations, a schedule for annexation, and the provision of funding for open space and infrastructure by the developer. (Council Member Brewster McCracken, Council Member Sheryl Cole and Mayor Pro Tem Betty Dunkerley)
- 17 Approve waiver of park rental fees for the Austin Filipino American Association's Flores de Mayo Cultural Event, to be held at the McBeth Recreation Center on May 24, 2008 (Council Member Jennifer Kim, Council Member Sheryl Cole and Council Member Lee Leffingwell)
- 18 Approve waiver of the signature requirement under Chapter 14 of the Code for the Capital of Texas Triathlon, to be held on Sunday, May 25, 2008 (Mayor Will Wynn and Council Member Mike Martinez )
- 19 Approve waiver of the signature requirement under Chapter 14 of the Code for the Congress Avenue Mile Event, to be held on Saturday, May 17, 2008 (Mayor Will Wynn and Mayor Pro Tem Betty Dunkerley )
- 20 Approve waiver of the signature requirement under Chapter 14 of the Code for the 5th annual Keep Austin Weird 5K, to be held on Saturday, June 28, 2008 (Mayor Will Wynn and Mayor Pro Tem Betty Dunkerley )

### **10: 30 AM -- Morning Briefings**

- 21 Staff briefing regarding proposed amendments from the Residential Development Regulations Task Force and other stakeholders to amend City Code Chapter 25-2, Subchapter F (the "McMansion Ordinance") and related city code sections regarding compatibility and single-family and duplex development standards.

## **12: 00 PM -- Citizen Communications: General**

Carolannerose Kennedy – THE GRAD YOU ATE

Anthony Walker—Report card on City Council

Patty Spinkle – Neighborhood Traffic

Cynthia Valladez – General Documents

Kathryn Kawazon – Unaddressed traffic issues in Galindo

Scott McNearney – Traffic and Pedestrian Safety

Akwasi Evans – The economy’s effect on small African American Businesses

Philip Koske – Traffic and Pedestrian Safety

Nick Mollberg – Traffic in the Galindo Neighborhood

Jennifer Gale – Happy Memorial Day Please call congressman Doggett 916-5921 to get housing for Veterans

## **Executive Session**

- 22 Discuss legal issues relating to the development of the Green Water Treatment Plant and Austin Energy Control Center sites (Private Consultation with Attorney – Section 551 071)
- 23 Discuss real estate development options related to the sale of the Green Water Treatment Plant and Austin Energy Control Center sites (Real Property – Section 551 072)

## **3: 00 PM -- Austin Housing Finance Corporation Board of Directors Meeting**

The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will re-convene (The AHFC agenda is located at <http://www.ci.austin.tx.us/agenda/council.htm>).

## **4: 00 PM -- Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)**

- 24 C14-2008-0044 - Windsor Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Windsor Park Neighborhood Planning Area, bounded by East U S Highway 290 on the north, Northeast Drive and Manor Road on the east, East 51st Street on the south, and IH-35 on the west (Tannehill Branch, Fort Branch, Little Walnut

Creek Watersheds) Regulations governing Vertical Mixed Use Building dimensional standards, allowable uses for a Vertical Mixed Use Building in office base district zoning, relaxed parking standards for commercial uses in a Vertical Mixed Use Building, and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Windsor Park Neighborhood Planning Area from the overlay district. First reading approved on April 24, 2008. Vote. 7-0 Applicant and Agent. Neighborhood Planning and Zoning Department City Staff Minal Bhakta, 974-6453.

- 25 C14-2007-0264 - TPWD 6 6 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 100 East 50th Street (Waller Creek Watershed) from unzoned to multi-family residence-low density-neighborhood conservation combining district (MF-2-NCCD) combining district zoning and multi-family residence-moderate high density-neighborhood conservation combining district (MF-4-NCCD) combining district zoning. First reading approved on April 24, 2008. Vote 6-0 (McCracken off the dais ) Applicant Texas Park and Wildlife Department (Scott Boruff) Agent Bennett Consulting (Jim Bennett) City Staff Jorge E Rousselin, 974-2975.

#### **4: 00 PM -- Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

- 26 PH C14-2007-0259 - Govalle-Johnston Terrace Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Govalle-Johnston Terrace Combined Neighborhood Planning Area, bounded by the Austin and Northwestern Railroad on the north, U S 183 on the east, the Colorado River on the south, and Pleasant Valley Road and Webberville Road on the west (East Boggy Creek, Colorado River, Fort Branch and Tannehill Branch watersheds) Regulations governing Vertical Mixed Use Building dimensional standards, allowable uses for a Vertical Mixed Use Building in office base district zoning, relaxed parking standards for commercial uses in a Vertical Mixed Use Building, and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Govalle-Johnston Terrace Combined Neighborhood Planning Area from the overlay district. Planning Commission Recommendation To be reviewed on May 27, 2008 Applicant and Agent. Neighborhood Planning and Zoning Department City Staff. Melissa Laursen, 974-7226.
- 27 PH C14-2007-0262 - Central Austin Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Central Austin Combined Neighborhood Planning Area, bounded by 38th Street on the north, IH-35 on the east, Martin Luther King, Jr Boulevard on the south, excluding the University of Texas at Austin campus,

and Lamar Boulevard and 45th Street on the west (Shoal Creek, Waller Creek watersheds) Regulations governing Vertical Mixed Use Building dimensional standards, allowable uses for a Vertical Mixed Use Building in office base district zoning, relaxed parking standards for commercial uses in a Vertical Mixed Use Building, and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Central Austin Combined Neighborhood Planning Area from the overlay district Planning Commission Recommendation To be reviewed on May 27, 2008 Applicant and Agent. Neighborhood Planning and Zoning Department City Staff Andrew Holubeck, 974-2054

- 28 PH C14-2008-0051 - Westgate Garden Homes - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3004 Aftonshire Way (Slaughter Creek Watershed - Barton Creek Zone) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning Staff Recommendation To grant townhouse and condominium residence (SF-6) district zoning Zoning and Platting Commission Recommendation To grant townhouse and condominium residence (SF-6) district zoning with conditions Applicant: Dennis Artale Agent Equilibrium Development, LP (C Brad Schubert) City Staff Wendy Rhoades, 974-7719

#### **5: 30 PM -- Live Music**

Ravner Salinas

#### **5: 30 PM -- Proclamations**

Proclamation -- AmeriCorps Week -- to be presented by Mayor Will Wynn and to be accepted by Kassi Darakhshan and AmeriCorps members

Proclamation -- National Bike Month and Bike to Work Day --to be presented by Mayor Will Wynn and to be accepted by Joe Ramos

Proclamation -- City of Austin Employee Health & Fitness Day -- to be presented by Mayor Will Wynn and to be accepted by Kristy Hansen and Sheree Bailey

Certificate of Congratulations -- Suzanna Choffel -- to be presented by Mayor Will Wynn and to be accepted by the honoree

Proclamation -- Public Service Recognition Week -- to be presented by Mayor Will Wynn and City Manager Marc Ott and to be accepted by representatives of City Departments

#### **6: 00 PM -- Public Hearings and Possible Actions**

- 29 PH Conduct a public hearing and consider an ordinance authorizing the addition of new neighborhoods to the Restricted Parking Area Map (Front and Side

Yard Parking) in accordance with Section 12-5-29 of the City Code  
(Recommended by Planning Commission )

- 30 PH Conduct a public hearing and consider an ordinance designating areas in which additional distance regulations will be applied to mobile food establishments (Recommended by Planning Commission.)
- 31 PH Conduct a public hearing for the full purpose annexation of the St Dominic annexation area (Approximately 45 acres in Williamson County located at 9400 Neenah Avenue, approximately three quarters of a mile east of the intersection of Parmer Lane and Lakeline Blvd)
- 32 PH Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter F (Residential Design and Compatibility Standards), commonly referred to as the "McMansion" ordinance, and the related sections of city code regarding compatibility and to single family and duplex site development standards and procedures To be considered by the Planning Commission on May 13, 2008
- 33 PH Conduct a public hearing and consider an ordinance amending Article 6 of City Code Chapter 25-1 (Interested Parties, Notice, and Public Hearing Procedures) related to interested party and notice criteria for public hearings, administrative decisions, and applications related to land development Recommended by the Planning Commission
- 34 PH Conduct a public hearing and consider an ordinance granting a limited adjustment from Chapter 25-8 Subchapter A Article 12 (Save Our Springs Initiative )of the City Code to PromiseLand Church West located at 8901 SH 71 West to allow an access drive to cross the Critical Water Quality Zone and the Water Quality Transition Zone (This limited adjustment concerns development in the Barton Springs Zone )
- 35 PH Conduct a public hearing and consider an ordinance granting variances from City Code Sections 25-8-454 (Uplands Zone) and 25-8-452 (Critical Water Quality Zone), and establishing an administrative variance process for limited variances to City Code Sections 25-8-301 (Construction of a Roadway or Driveway), 25-8-302 (Construction of a Building or Parking Area), 25-8-341 (Cut Requirements), and 25-8-342 (Fill Requirements) to allow construction of the Water Treatment Plant Number 4 plant site, pump station site, and raw water intake facility Recommended by the Code and Ordinance Subcommittee of the Planning Commission, the Environmental Board, the Planning Commission and the Zoning and Platting Commission.

## Adjourn

 The City of Austin is committed to compliance with the Americans with Disabilities Act  
Reasonable modifications and equal access to communications will be provided upon request

 For assistance please call 974-2210 OR 974-2445 TDD

A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak Please call 974-2210 in advance or inform the City Clerk's staff present at the council meeting

Cualquier persona puede solicitar servicios de interprete en español comunicandose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar Por favor llame al 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesion del Consejo

## **CITY COUNCIL AGENDA**

### Council Meetings

January 10, 2008  
January 17, 2008  
January 31, 2008

February 14, 2008  
February 28, 2008

March 6, 2008  
March 20, 2008  
March 27, 2008

April 10, 2008  
April 24, 2008

May 8, 2008  
May 15, 2008  
May 22, 2008

June 5, 2008  
June 19, 2008

July 24, 2008

August 7, 2008  
August 21, 2008  
August 28, 2008

September 8, 9, 10  
(Budget Readings)  
September 25, 2008

October 2, 2008  
October 9, 2008

November 6, 2008  
November 20, 2008

December 11, 2008  
December 18, 2008

### Canceled Meetings

January 3, 2008  
January 24, 2008

February 7, 2008  
February 21, 2008

March 13, 2008

April 3, 2008  
April 17, 2008

May 1, 2008  
May 29, 2008

June 12, 2008  
June 26, 2008

July 3, 2008  
July 10, 2008  
July 17, 2008

August 14, 2008

September 4, 2008  
September 18, 2008

October 16, 2008  
October 30, 2008

November 13, 2008  
November 27, 2008

December 25, 2008